



PTO/SB/21 (09-04)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/016,244
Filing Date	October 30, 2001
First Named Inventor	Guillermo J. Tearney
Art Unit	3737
Examiner Name	Ruth S. Smith
Attorney Docket Number	186599/US/2 - 475387-00153

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO-1449 form and Return Receipt Postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Dorsey & Whitney, L.L.P.		
Signature			
Printed name	Gary Abelev, Esq.		
Date	February 13, 2006	Reg. No.	Reg. No. 40,479

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Gary Abelev, Esq.	Date	February 13, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Effective on 12/08/04

Complete if Known

Application No.	10/016,244
Filing Date	October 30, 2001
First Inventor	Guillermo J. Tearney
Group Art Unit	3737
Examiner Name	Ruth S. Smith
Atty. Docket Number	186599/US/2 - 475387-00153

FEE TRANSMITTAL SHEET **(FY 2005)**

☒ Applicant claims small entity status (see 37 C.F.R. 1.27)

METHOD OF PAYMENT (Check One)

☒ Check ☐ Credit Card ☐ Money Order

☒ Deposit Account No.: 50-2054

Deposit Account Name: DORSEY & WHITNEY LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge any additional fees or underpayments of fee(s) under 37 C.F.R. 1.16 and 1.17

☒ Credit any overpayments

☐ Other (please identify):

Extra Claim Fees

Current Claims	Prior	Extra	Fee	Fee Paid
Total	-	=	x \$	= \$
Ind.	-	=	x \$	= \$
Multiple Dependent Claims	-	=	x \$	= \$
Subtotal (Extra Claims)				\$

Petition Fee Under 37 CFR 1.17(f), (g), & (h)

Enclosed is a Petition filed under 37 CFR as indicated below:

- ☐ Petition Fee under 37 CFR 1.17(f) **Fee \$400**
- § 1.53(e) to accord a filing date.
- § 1.57(a) to accord a filing date.
- § 1.182 for decision on a question not provided for.
- § 1.183 to suspend the rules.
- § 1.378(e) for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent.
- § 1.174(b) to accord a filing date to an application under § 1.740 for extension of patent term.
- ☐ Petition Fee under 37 CFR 1.17(g) **Fee \$200**
- § 1.12 for access to an assignment record.
- § 1.14 for access to an application.
- § 1.47 for filing by other than all inventors or person not the inventor.
- § 1.59 for expungement of information.
- § 1.103(a) to suspend action in an application.
- § 1.136(b) for review of a request for ext. of time when § 1.136(a) not avail.
- § 1.295 for review of refusal to publish a statutory invention registration.
- § 1.296 to withdraw a req. for pub. after notice of intent to publish issued.
- § 1.377 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) for request for ext. of time in *ex parte* reexam. proceedings.
- § 1.956 for request for ext. of time in *ex parte* reexam. proceedings.
- § 5.12 for expedited handling of foreign filing license.
- § 5.15 for changing the scope of a license.
- § 1.5.25 for retroactive license.
- ☐ Petition Fee under 37 CFR 1.17(h) **Fee \$130**
- § 1.19(g) to request documents in a form other than provided in this part.
- § 1.84 for accepting color drawings or photographs.
- § 1.91 for entry of a model or exhibit.
- § 1.102(d) to make an application special.
- § 1.138(c) to expressly abandon an application to avoid publication.
- § 1.313 to withdraw an application from issue.
- § 1.314 to defer issuance of a patent.

FEE CALCULATION (Continued)

3. ADDITIONAL FEES

Large Entity Fee	Small Entity Fee	Fee Description	Fee paid
50	25	Surcharge - late provisional filing fee or cover sheet	
130	65	Surcharge - Late nonprovisional filing fee or oath	
180	180	Submission of IDS	180
40	40	Recording each patent assignment per property (times number of properties)	
120	60	Extension for reply within first month	
450	225	Extension for reply within second month	
1,020	510	Extension for reply within third month	
1,590	795	Extension for reply within fourth month	
2,160	1,080	Extension for reply within fifth month	
790	395	Submission After Final 1.129	
500	250	Notice of Appeal	
500	250	Filing a brief in support of an appeal	
1,000	500	Request for oral hearing	
130	65	Terminal Disclaimer Fee	
800	400	Design Issue Fee	
790	395	Request for Continued Examination (RCE)	
130		Request for voluntary publication or republication	
500	250	Petition to Revive - unavoidable	
1,500	750	Petition to Revive - unintentional	
200		Filing for patent term adjustment	
400		Request for reinstatement of term reduced	
1,120		Extension of term of patent	
OTHER FEE (specify)			

Subtotal (Additional Fees)

Total Amount of Payment: \$ 180

Submitted by:

CUSTOMER NUMBER
30873

DORSEY & WHITNEY LLP

250 Park Avenue
New York, NY 10177

Name: Gary Abelev, Esq.

Phone No.: 212-415-9371

Fax No.: 212-953-7201

Signature:

Reg. No.: 40,479

Date: February 13, 2006



186599/US/2 - 475387-00153 PATENT


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Guillermo J. Tearney et al.
Serial No. : 10/016,244
Filed : October 30, 2001
Entitled : OPTICAL METHODS AND SYSTEMS FOR TISSUE ANALYSIS
Group Art Unit : 3737
Examiner : Ruth S. Smith

INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 C.F.R. § 1.97(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

I hereby certify that this document is being sent via First Class U. S. mail addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this day of February 13, 2006.


(Signature)

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(i), applicant brings to the attention of the Examiner the documents listed on the attached Form PTO 1449, and respectfully request that the listed documents be considered by the Examiner and made of record in the above-captioned application. Copies of the United States patent references listed on the Form PTO-1449 are not enclosed, but the PCT/foreign/non-patent references are enclosed.

If the Examiner applies the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of the documents.

02/16/2006 HDESTA1 00000022 10016244

01 FC:1806

180.00 OP

If the Examiner applies the documents as prior art against any claim in the application and applicant determine that the cited documents do not constitute “prior art” under United States law, applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of the documents.

The requisite fee of \$180.00 pursuant to these sections and 37 C.F.R. § 1.17(p) is enclosed herewith, since the Patent Office has issued an Office Action on the merits, but before the Final Office Action or Notice of Allowance. The Commissioner is hereby further authorized to charge any deficiencies and credit any over payments for the submission of this Information Disclosure Statement to the Dorsey & Whitney’s Deposit Account 50-2054.

Respectfully submitted,

DORSEY & WHITNEY, LLP



Gary Abelev
PTO Reg. No. 40,479
Attorneys for Applicants
(212) 415-9371

Form PTO-1449 U.S. Department of Commerce
(REV. 2-82) Patent and Trademark Office

Atty. Docket No.

Serial No.

10/016,244

186599/US/2 - 475387-
00153

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use several sheets if necessary)

Applicant(s)

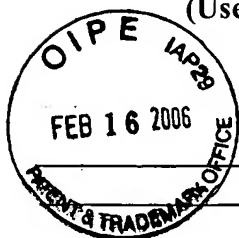
Guillermo J. Tearney et al.

Filing Date

October 30, 2001

Group

3737



U.S. PATENT DOCUMENTS

*Exam. Init.	Document No.								Date	Name	Class	Subclass	Filing Date if Appropriate
	2	3	3	9	7	5	4		January 25, 1944	P.H. Brace			
	4	6	0	1	0	3	6		July 15, 1986	Faxvog et al			
	4	6	3	1	4	9	8		December 23, 1986	Cutler			
	4	8	6	8	8	3	4		September 19, 1989	Fox et al			
	4	9	2	5	3	0	2		May 15, 1990	Cutler			
	4	9	6	5	4	4	1		October 23, 1990	Picard			
	4	9	9	3	8	3	4		February 19, 1991	Carlhoff et al			
	5	0	4	0	8	8	9		August 20, 1991	Keane			
	5	0	4	6	5	0	1		September 10, 1991	Crilly			
	5	1	2	0	9	5	3		June 9, 1992	Harris			
	5	1	9	7	4	7	0		March 30, 1993	Helfer et al			
	5	2	9	3	8	7	2		March 15, 1994	Alfano et al			
	5	3	1	7	3	8	9		May 31, 1994	Hochberg et al			
	5	3	2	1	5	0	1		June 14, 1994	Swanson et al			
	5	3	5	3	7	9	0		October 11, 1994	Jacques et al			
	5	3	8	3	4	6	7		January 24, 1995	Auer et al			
	5	4	1	9	3	2	3		May 30, 1995	Kittrell et al			
	5	4	3	9	0	0	0		August 8, 1995	Gunderson et al			
	5	4	4	1	0	5	3		August 15, 1995	Lodder et al			
	5	4	5	9	5	7	0		October 17, 1995	Swanson et al			
	5	4	6	5	1	4	7		November 7, 1995	Swanson			
	5	4	8	6	7	0	1		January 23, 1996	Norton et al			
	5	4	9	1	5	5	2		February 13, 1996	Kittrell			
	5	5	6	2	1	0	0		October 8, 1996	Kittrell et al			

Examiner

Date Considered

* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 U.S. Department of Commerce
(REV. 2-82) Patent and Trademark Office

Atty. Docket No.

Serial No.
10/016,244

186599/US/2 – 475387-
00153

**INFORMATION DISCLOSURE STATEMENT
BY APPLICANT**

(Use several sheets if necessary)

Applicant(s)
Guillermo J. Tearney et al.

Filing Date
October 30, 2001

Group
3737

		5	5	8	3	3	4	2	December 10, 1996	Koji Ichie			
		5	5	9	0	6	6	0	January 7, 1997	MacAulay et al			
		5	6	0	1	0	8	7	February 11, 1997	Richards-Kortum et al			
		5	6	9	7	3	7	3	December 16, 1997	Gunderson et al			
		5	7	1	9	3	9	9	February 17, 1998	Alfano et al			
		5	7	4	8	5	9	8	May 5, 1998	Swanson et al			
		5	7	8	4	3	5	2	July 21, 1998	Swanson et al.			
		5	7	9	5	2	9	5	August 18, 1998	Hellmuth et al			
		5	8	0	3	0	8	2	September 8, 1998	Stapleton et al			
		5	8	4	0	0	2	3	November 24, 1998	Oraevsky et al			
		5	8	4	2	9	9	5	December 1, 1998	Mahadevan-Jansen et al			
		5	8	6	5	7	5	4	February 2, 1999	Sevick-Muraca et al			
		5	8	7	1	4	4	9	February 16, 1999	David Lloyd Brown			
		5	9	2	1	9	2	6	July 13, 1999	Rolland et al			
		5	9	5	6	3	5	5	September 21, 1999	Swanson et al			
		5	9	6	8	0	6	4	October 19, 1999	Selmon et al			
		5	9	8	7	3	4	6	November 16, 1999	Benaron et al			
		5	9	9	4	6	9	0	November 30, 1999	Kulkarni et al			
		6	0	0	2	4	8	0	December 14, 1999	Izatt et al			
		6	0	0	6	1	2	8	December 21, 1999	Izatt et al			
		6	0	1	0	4	4	9	January 4, 2000	Selmon et al			
		6	0	3	3	7	2	1	March 7, 2000	Nikos Nassuphis			
		6	0	4	4	2	8	8	March 28, 2000	Wake et al			
		6	0	4	8	7	4	2	April 11, 2000	Weyburne et al			
		6	0	6	9	6	9	8	May 30, 2000	Ozawa et al			
		6	0	9	1	9	8	4	July 18, 2000	Perelman et al			
		6	1	1	1	6	4	5	August 29, 2000	Tearney et al			

Examiner

Date Considered

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Form PTO-1449 U.S. Department of Commerce
(REV. 2-82) Patent and Trademark Office

Atty. Docket No.

Serial No.
10/016,244

186599/US/2 – 475387-
00153

**INFORMATION DISCLOSURE STATEMENT
BY APPLICANT**

(Use several sheets if necessary)

Applicant(s)
Guillermo J. Tearney et al.

Filing Date
October 30, 2001

Group
3737

		6	1	1	7	1	2	8	September 12, 2000	Kenton W. Gregory			
		6	1	2	0	5	1	6	September 19, 2000	Selmon et al			
		6	1	3	4	0	0	3	October 17, 2000	Tearney et al			
		6	1	4	1	5	7	7	October 31, 2000	Rolland et al			
		6	1	5	1	5	2	2	November 21, 2000	Alfano et al			
		6	1	5	9	4	4	5	December 12, 2000	Klaveness et al			
		6	1	6	0	8	2	6	December 12, 2000	Swanson et al			
		6	1	6	1	0	3	1	December 12, 2000	Hochmann et al			
		6	1	7	5	6	6	9	January 16, 2001	Colston et al			
		6	1	8	5	2	7	1	February 6, 2001	Richard Estyn Kinsinger			
		6	1	9	1	8	6	2	February 20, 2001	Swanson et al			
		6	2	0	1	9	8	9	March 13, 2001	Whitehead et al.			
		6	2	0	8	8	8	7	March 27, 2001	Richard H. Clarke			
		6	2	8	2	0	1	1	August 28, 2001	Tearney et al			
		6	3	4	1	0	3	6	January 22, 2002	Tearney et al			
		6	3	7	7	3	4	9	April 23, 2002	Adolf Friedrich Fercher			
		6	4	2	1	1	6	4	July 16, 2002	Tearney et al			
		6	4	8	5	4	1	3	November 26, 2002	Boppart et al			
		6	4	8	5	4	8	2	November 26, 2002	W. Martin Belef			
		6	5	0	1	5	5	1	December 31, 2002	Tearney et al			
		6	5	5	2	7	9	6	April 22, 2003	Magnin et al			
		6	5	6	4	0	8	7	May 13, 2003	Pitris et al			
		6	6	2	2	7	3	2	September 23, 2003	Brent R. Constantz			
		6	6	8	5	8	8	5	February 3, 2004	Nolte et al.			
		6	6	8	7	0	0	7	February 3, 2004	Meigs			
		6	8	0	6	9	6	3	October 19, 2004	Wälti et al.			

Examiner

Date Considered

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Form PTO-1449 U.S. Department of Commerce
(REV. 2-82) Patent and Trademark Office

Atty. Docket No.

Serial No.
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Applicant(s)
Guillermo J. Tearney et al.

Filing Date
October 30, 2001

Group
3737

	2002	0	1	6	1	3	5	7	October 31, 2002	Rox et al.			
	2002	0	1	6	3	6	2	2	November 7, 2002	Magnin et al.			
	2003	0	0	2	3	1	5	3	January 30, 2003	Izatt et al.			
	2003	0	2	3	6	4	4	3	December 25, 2003	Cespedes et al.			
	2003	0	0	2	6	7	3	5	February 6, 2003	Nolte et al.			
	2004	0	1	6	6	5	9	3	August 26, 2004	Nolte et al.			
		5	7	1	0	6	3	0	January 20, 1998	Essenpreis et al.			
		5	8	0	7	2	6	1	September 15, 1998	Benaron et al.			
		5	9	5	1	4	8	2	September 14, 1999	Winston et al.			
		5	9	8	3	1	2	5	November 9, 1999	Alfano et al.			
		6	1	3	4	0	1	0	October 17, 2000	Zavislan			
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		6	3	0	8	0	9	2	October 23, 2001	Hoyns			
		6	3	9	3	3	1	2	May 21, 2002	Hoyns			
		6	3	9	4	9	6	4	May 28, 2002	Sievert, Jr. et al.			
		6	4	4	5	9	4	4	September 3, 2002	Ostrovsky			
		6	4	6	3	3	1	3	October 8, 2002	Winston et al.			
		5	9	2	0	3	9	0	July 6, 1999	Farahi et al.			
		4	9	2	8	0	0	5	May 22, 1990	Lefèvre et al.			
		5	2	0	2	7	4	5	April 13, 1993	Sorin et al.			
		5	5	6	5	9	8	6	October 15, 1996	Knüttel			
		5	8	4	7	8	2	7	December 8, 1998	Fercher			
		5	8	7	7	8	5	6	March 2, 1999	Fercher			
		5	9	2	0	3	7	3	July 6, 1999	Bille			
		5	9	9	1	6	9	7	November 23, 1999	Nelson et al.			
		6	2	0	8	4	1	5	March 27, 2001	De Boer et al.			
		6	5	4	9	8	0	1	April 15, 2003	Chen et al.			
	2002	0	1	9	6	4	4	6	December 26, 2002	Roth et al.			

Examiner

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Guillermo J. Tearney et al.

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October 30, 2001

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	2002	0	1	9	8	4	5	7	December 26, 2002	Tearney et al.			
		5	4	9	1	5	2	4	February 13, 1996	Hellmuth et al.			
		6	6	8	0	7	8	0	January 20, 2004	Fee			
	2003	0	1	3	5	1	0	1	July 17, 2003	Webler			
		5	6	2	3	3	3	6	April 22, 1997	Raab et al.			
		5	2	6	2	6	4	4	November 16, 1993	Maguire			
		6	9	8	0	2	9	9	December 27, 2005	de Boer			
		6	1	6	6	3	7	3	December 26, 2000	Mao			
		6	4	6	9	8	4	6	October 22, 2002	Ebizuka et al.			
		5	1	2	7	7	3	0	July 7, 1992	Brelje et al.			
		5	2	4	8	8	7	6	September 28, 1993	Kerstens et al.			
		5	3	0	4	8	1	0	April 19, 1994	Amos			
		5	4	5	0	2	0	3	September 12, 1995	Penkethman			
		5	4	5	9	3	2	5	October 17, 1995	Hueton et al.			
		5	5	2	6	3	3	8	June 11, 1996	Hasman et al.			
		5	6	0	0	4	8	6	February 4, 1997	Gal et al.			
		5	6	9	8	3	9	7	December 16, 1997	Zarling et al.			
		5	7	8	5	6	5	1	July 28, 1998	Kuhn et al.			
		5	8	8	7	0	0	9	March 23, 1999	Mandella et al.			

FOREIGN PATENT DOCUMENT

		Document No.							Date	Country	Class	SubClass	Translator Yes No	
		4	3	0	9	0	5	6	September 22, 1994	Germany				
		2	2	0	9	2	2	1	May 4, 1989	Great Britain				
		0	1	1	0	2	0	1	June 13, 1984	European				
		0	2	5	1	0	6	2	January 7, 1988	European				
		9	2	1	9	9	3	0	November 12, 1992	WIPO				

Examiner

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Form PTO-1449 U.S. Department of Commerce (REV. 2-82) Patent and Trademark Office INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	Atty. Docket No. 186599/US/2 – 475387-00153	Serial No. 10/016,244
	Applicant(s) Guillermo J. Tearney et al.	
	Filing Date October 30, 2001	Group 3737

		9	3	0	3	6	7	2	March 4, 1993	WIPO				
		9	7	3	2	1	8	2	September 4, 1997	WIPO				
		9	8	3	5	2	0	3	August 13, 1998	WIPO				
		9	9	4	4	0	8	9	September 2, 1999	WIPO				
		9	9	5	7	5	0	7	November 11, 1999	WIPO				
		0	0	5	8	7	6	6	October 5, 2000	WIPO				
		0	1	4	2	7	3	5	June 14, 2001	WIPO				
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	0	4	1	0	5	5	9	8	December 9, 2004	WIPO				

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Atty. Docket No.

Serial No.

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186599/US/2 – 475387-
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186599/US/2 - 475387-
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